



EXPRESS MAIL  
ER 525324006 US

Examiner:

In response to the Office Action mailed January 31, 2006, please accept the following:

**For entry in the case:**

**a. Amend the Specification by entering Replacement Sheets for Drawings sheets 14/27, 22/27, 23/27 and 24/27 showing Fig.s 14 and Fig.s 24-42.**

It is requested that this amendment be entered in the case. It is requested that replacement drawing sheets 14/27, 22/27, 23/27 and 24/27 be entered in the case. The replacement drawing sheets indicate that part 22 is renumbered as part 22\* and further that part 95 is renumbered as part 95\*. The Replacement Sheets are labeled Replacement Sheet at the top margin.

Annotated Sheets Of Drawings are also provided with the changes indicated in red and labeled Annotated Sheet at the top margin. No new matter is included.

**b. Enter Substitute Brief Description Of The Drawings.**

It is requested that this amendment be entered in the case. It is requested that a Substitute Brief Description Of The Drawings be entered in the case. The Brief Description Of The Drawings is amended to indicate that part 22 Sweet Spot is now 22\* Balance Point, that part 95 Sweet Spot Axis is now 95\* Balance Point Axis

A marked up version of the Brief Description Of The Drawings is provided indicating portions added, being underlined, and portions deleted, being within double brackets, red marking is also used in the right hand margin at the changes. No new matter is included.

**c. Amend Claim 3 by deleting "Sweet Spot" and substituting "Balance Point" in place thereof.**

It is requested that this amendment be entered in the case. Claim 3 is amended by deleting the term “Sweet Spot” thruout and substituting “Balance Point” in place thereof. A revised Claim List is enclosed, in addition a marked up version of Claim 3 is provided indicating portions added, being underlined, and portions deleted, being within brackets, red marking is used in the right margin at the changes. No new matter is included.

**d. Amend Claim 4 by deleting “Sweet Spot” and substituting “Balance Point” in place thereof and further by adding the phrase “at positions that are equivalent to positions” after the word “being” at line 10.**

It is requested that this amendment be entered in the case. Claim 4 is amended by deleting the term “Sweet Spot” thruout and substituting “Balance Point” in place thereof. And further by adding the phrase “at positions that are equivalent to positions” after the word “being” at C7 of 41 line 10. A revised Claim List is enclosed, in addition a marked up version of Claim 4 is provided indicating portions added, being underlined, and portions deleted, being within brackets, red marking is used in the right margin at the changes. No new matter is included..

**e. Amend Claim 5 by deleting “Sweet Spot” and substituting “Balance Point” in place thereof.**

It is requested that this amendment be entered in the case. Claim 5 is amended by deleting the term “Sweet Spot” thruout and substituting “Balance Point” in place thereof. A revised Claim List is enclosed, in addition a marked up version of Claim 5 is provided indicating portions added, being underlined, and portions deleted, being within brackets, red marking is used in the right margin at the changes. No new matter is included..

**f. Amend Claim 17 by deleting “Sweet Spot” and substituting “Balance**

**Point” in place thereof and further by adding the phrase “at positions that are equivalent to positions” after the word “being” at line 10.**

It is requested that this amendment be entered in the case. Claim 17 is amended by deleting the term “Sweet Spot” thruout and substituting “Balance Point” in place thereof. And further by adding the phrase “at positions that are equivalent to positions” after the word “being” at C26 of 41 line 10. A revised Claim List is enclosed, in addition a marked up version of Claim 17 is provided indicating portions added, being underlined, and portions deleted, being within brackets, red marking is used in the right margin at the changes. No new matter is included..

**g. Add New Claim 25.**

It is requested that this amendment be entered in the case. Claim 25 is added. No new matter is included..

**RESPONSE TO OFFICE ACTION**

- 1. Non-compliant Letter. No Response Required.**
- 2.. Claim Rejections - 35 USC § 112. No Response Required.**
- 3. Claim Rejections - 35 USC § 103 (a). Discussion and Response.**

The Examiner cited 35 USC 103(a) as forming the basis for an Obviousness rejection. For the reasons set forth below the Applicant respectfully disagrees with the Examiner. The Examiner rejected Claims 3-5 and 17 pursuant to 35 USC 103(a) as being unpatentable over Ryan in view of Duclos, Jessen and Kobayashi.

The Examiner states that Ryan “discloses a golf club with an alignment line which takes into account downward bowing of a shaft and a golfer’s visual parallax error (abstract, Col. 1, Lns. 19-25, 29-35), sweet spot markings, a marking extending from a point at the intersection of

the face surface and top surface (Fig. 5), a reference line on a drawing showing non-corrected target lines and corrected lines (Figs. 2, 3, 5), and a bending correction being dependent on the composition of a shaft and speed of the golfer's swing (Col. 3, Lns. 40-50).

The Examiner states that Ryan does not disclose markings on a head for a non-corrected target marking. However the Examiner states that clearly an artisan skilled in assisting a golfer in aligning a club to a ball would have selected a suitable marking arrangement in which having both the non-corrected marking and corrected marking as shown by the reference lines in figures 2-3 and 5 is included.

The Examiner notes that Ryan lacks a grip, sweet spot target line markings, a line extending from a point at the intersection of the face surface and the top surface, lines on the head showing non-corrected target lines and corrected lines, an increased width line on a top surface ending at a point at the intersection of the top surface with the bottom surface, a center of gravity located behind a sweet spot, and an (sic a) corrected alignment line with (sic which) takes into account only a golfer's visual parallax error. The Examiner states that Duclos discloses corrected alignment markings to a sweet spot which only take into account a golfer's visual parallax error for a wood type club. The Examiner states that Jessen discloses a golf club having a grip, an alignment marking being in the form of a broad line on a top surface extending from a point at the intersection of the face surface and a line on a head showing non-corrected target line. The Examiner states that Kobayashi discloses a head having a top surface intersection in a rear of a head with a bottom surface and a center of gravity located behind a sweet spot in order to increase distance of flight of a ball with improved directing performance.

The Examiner further states that in view of the three references it would have been

obvious to modify Ryan to: have a corrected alignment marking to a sweet spot taking into account only the golfer's visual parallax error and not shaft bending (Duclos); to have a grip to minimize vibrations (Jessen); to have increased width lines on a top surface ending at a back end of a top surface showing a corrected target line in order to utilize a parallax corrected line instead of an arrow marking (Jessen); to have a top surface intersect with a bottom surface having a line on the top surface that ends at a point at the intersection of the top surface with the bottom surface (Kobayashi); and to have a center of gravity located behind a sweet spot in order to increase distance of flight of a ball with improved directing performance (Kobayashi).

The Examiner further states, without any prior art reference, that it would be obvious to modify Ryan to have both lines on a head to show a non-corrected target line and a corrected target line.

## **DISCUSSION AND RESPONSE**

Ryan does not have an alignment line. Ryan does not call any of the lines on the drawings target lines. The Examiner appears to agree with the Applicant that Ryan does not disclose or claim lines on the golf club.

The present invention markings are derived from a balance point on the Club Head face surface. Ryan does not mention a balance point.

The present invention claims markings on the clubhead that are derived from a static condition after finding the balance point on the face of the club head component. The point of balance is never moved, for any reason, bowing or otherwise, but remains as a constant point of reference.

The present invention has a Parallax Corrected Balance Point Target Line as claimed in Claim 3, Incorrect Balance Point Target Line and Parallax Corrected Balance Point Target Line as claimed in Claim 4, Incorrect Balance Point Target Line and Parallax Corrected Balance Point Target Line as claimed in Claim 5 and Incorrect Balance Point Target Line, Parallax Corrected Balance Point Target Line and Face Line as claimed in Claim 17. All of the foregoing referenced lines are on the Clubhead Top Surface. Ryan does not have any lines on the top surface. Even Ryan in combination with all three references does not have all the lines that the present invention has. None of the references (including Ryan) have a line similar to the Face Line as claimed in Claim 17. In a telephone conversation with the Examiner it appears that the Examiner had not noticed the Face Line in Claim 17.

Jessen should not be used as a reference. Jessen is not disclosed or claimed for actual play of golf with a golf ball. Jessen is intended only to be a instruction device. The golf club mentioned in Jessen is described and claimed in combination with a puck as being an instruction device. The golf club is not intended or described as being used without the puck.(ref Col.1 Line 64).

The present invention further requires that the clubhead with shaft be positioned at the angle of intended use or position of intended use to determine the location of the lines on the top surface. Ryan does not mention or refer to an angle of intended use or position of intended use, nor do Duclos, Jessen or Kobayashi.

The Examiner has not referenced any art that claims a golf club with markings on the golf club top surface such as claimed by the Applicants invention, in particular the Face Line as disclosed and claimed in Claim 17.


Even if you take Ryan and combine Duclos, Jessen and Kobayashi the result is not the Parallax Corrected Balance Point Target Line or Face Line as disclosed or claimed in the present invention. None of the referenced art place any of their lines in the same locations as the present invention, in particular the present inventions Face Line.

No new matter is included.

Reconsideration of your Office Action is requested. All of the foregoing has been accomplished to overcome the Examiner's objections. No new matter is included. It is believed that the application is now in proper form for the issuance of a Notice of Allowability and such favorable action is requested. Inventor requests the right to submit Corrections making the drawings formal within the time period set upon issuance of the Notice of Allowability.

Dated: June 23, 2006.

BERNARD J. PATSKY

  
By JAMES F. BAIRD  
Reg. No. 31,463